

REMARKS

Claims 1-16 are pending in the instant application. In the most recent Office Action, claims 6-8 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for reciting a narrow limitation that falls within a broad limitation recited in the same claim. Claims 1-16 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,793,250 to Fukushi. Figs. 4-8 are objected to for failure to include a "Prior Art" legend.

Figs. 4-8 are amended above to include a "Prior Art" legend, as indicated by the Examiner, and in accordance with the description of the figures in the specification as filed. Fig. 8 is further amended to correct the spelling of "accumulating unit", element 148. No new matter has been added by these amendments. Applicant kindly requests withdrawal of the objection to the drawings.

With respect to claim 6, the claim recites, *inter alia*, a "second data generating means for generating second quality data different from the first quality data on the basis of the received signal, the second data generating means including a correcting circuit for correcting the received signal frequency data, and a decoder for generating the second quality data and the received data on the basis of new frequency data obtained in the correcting circuit." It will be readily understood by those skilled in the art that the second data generating means includes as a component thereof, a decoder. Further, the skilled artisan would be apprised that the function of the decoder is to generate the (read, 'said') second quality data and received data on the basis of new frequency data obtained in the correcting circuit. Therefore, because the second occurrence of "second quality data"

finds proper antecedent basis in the first occurrence, applicant respectfully submits that there is no indefiniteness. Favorable reconsideration and withdrawal of the rejection is kindly requested.

On the merits of the claims, applicant respectfully traverses all rejections, for at least the reasons set forth below.

As amended above, independent claims 1 and 6 recite a digital portable telephone set having demodulating means for demodulating a received signal, wherein the first data generating means and second data generating means being in parallel with each other.

The Office Action offers elements 17 and 18 of Fukushi as reading on the first and second data generating means, respectively. As will clearly be seen, the these two elements of the reference are not in parallel with one another. Therefore, Applicant respectfully submits that these claims are patentably distinguished over the reference.

Claims 2-5 and 7-8 each depend from claims 1 and 6, respectively. While these claims are each separately patentable, they are offered as patentable for at least the same reasons as the underlying base claims on which they depend. Favorable reconsideration and withdrawal of the rejections is kindly requested.

With respect to independent claim 9, this claim recites a digital portable telephone set comprising, *inter alia*, correcting means for correcting frequency data of the received signal, and data generating means for generating quality data on the basis of new frequency data obtained in the correcting means. The Office Action avers that Fukushi teaches the recited data generating means at integrator element 19. However, those it will be apparent to those skilled in the art that, for example as described in the instant specification with respect to Fig. 8, that the integrator and divider are part of the known

correcting circuit. Therefore, these elements cannot be read to disclose both a correcting circuit and a data generating means. Moreover, the data generating means for generating quality data entails a subtraction of the data from one symbol to the next. Conversely, the integrator employs a summing junction, because it performs a different function from the quality data generating means. To read on a means-plus-function limitation, the asserted element must perform the identical function.

Applicant respectfully submits that claim 9 is patentably distinguished over the reference. Claims 10-14 each depend, either directly or indirectly, from claim 9. They are each separately patentable, but are offered as patentable for at least the same reasons as their underlying base claim. Therefore, favorable reconsideration and withdrawal of the rejection of claims 9-14 is kindly requested.

With respect to claim 15, this claim recites, *inter alia*, a second subtracter for obtaining a second difference signal between the phase data and the delayed signal by the one symbol delaying unit on the basis of a correction signal. The office action avers that this feature is taught at element 36 of Fukushi. However, it will be seen that subtracter 36 of Fukushi operates on a frequency offset (not phase offset, Office Action p. 9. See Col. 5, lines 59-60) and on the phase angle difference between two successive symbols having already been differentiated by differential detector 17. Its function is different from the recited claim. Therefore, applicant respectfully submits that the claim is patentably distinguished over the reference.

With respect to claim 16, the claims recites, *inter alia*, a subtracter for obtaining a difference signal between the delayed phase data obtained by one symbol delaying unit and the phase data on the basis of a correction signal. The office action avers that this

feature is taught at element 36 of Fukushi. However, as pointed out with respect to claim 15, supra, the arrangement of subtracter 36 does not meet the claim. In Fukushi, subtracter 36 operates on the frequency offset (not phase offset, Office Action p. 10), and on the phase angle difference between two successive symbols having already been differentiated by differential detector 17. Its function is different from the recited claim. Therefore, applicant respectfully submits that the claim is patentably distinguished over the reference.

In light of the foregoing, Applicant respectfully submits that all claims recite patentable subject matter, and kindly requests an early indication of allowability of all claims. If the Examiner has any reservations in allowing the claims, and believes that a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully submitted,



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Enclosures Amended Figures (8 sheets)